

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RICKY CAVANESS, #643392 §
VS. § CIVIL ACTION NO. 6:06cv305
LINWOOD COOK, ET AL. §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the motion to dismiss (docket entry #26) is **GRANTED**. It is further
ORDERED that the complaint is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1).

It is noted that the Plaintiff filed a response to the Report and Recommendation expressing his appreciation for the Court's help. The response included a request to order the prison system to place a notation in his file that he should never be returned to the Michael Unit. Even though the Court appreciates the Plaintiff's desire never to be returned to the Michael Unit, the Court may not forbid the prison system from returning him there. It is accordingly

ORDERED that the motion to order the prison system to place a notation in his file that he should never be returned to the Michael Unit is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 29th day of January, 2007.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS".

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE